

RESEARCH MATTERS

News from the Senate Research Center

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TEXAS HOMELAND



Texas has undertaken the development of a statewide homeland security strategy to effectively address acts of terrorism. The 78th Legislature adopted several measures relating to homeland security. While it is impossible to prepare for every possible threat, the state's response to terrorism has become more organized since the attacks on September 11, 2001.

Critical Infrastructure Protection Council

Recognizing that establishing a plan to protect the state from terrorist elements is a formidable task for the governor, H.B. 9, 78th Legislature (Flores/Shapiro), creates the Critical Infrastructure Council (council), whose purpose is to advise the governor on three fronts:

- the development and coordination of a statewide critical infrastructure protection strategy;
- the implementation of the governor's homeland security strategy by state and local agencies; and
- other matters related to the planning, development, coordination, and implementation of initiatives to promote the governor's homeland security strategy.

The council is composed of representatives of various agencies, including the Department of Public Safety (DPS), the Texas Railroad Commission, and the Texas Public Utility Commission, to ensure that the governor receives comprehensive information and advice. The council is required to submit a yearly report that outlines the state's vulnerabilities and progress in implementing the homeland security strategy and makes recommendations on how to improve security.

Infrastructure Protection Communications Center

H.B. 9 also creates the Infrastructure Protection Communications Center (IPCC), whose responsibilities include, in conjunction with the governor's strategy, planning, coordinating, and integrating government communications systems to ensure an effective response in the event of a homeland security emergency. The IPCC's duties further include the promotion of emergency preparedness, analysis of information, assessment of threats, and issuance of public warnings related to homeland security emergencies. The IPCC's purpose is to prevent or minimize damage, injury, loss of life, and loss of property in the event of a homeland security emergency.

Public Safety Radio Communications Center

Texas' public safety and emergency response teams are equipped with radio communications systems, but the teams do not all operate on the same frequency which hinders communications during an emergency. H.B. 2650, 78th Legislature (Kuempel/Armbrister), creates the Public Safety Radio Communications Council (council) to research and develop a program that

The 78th Texas Legislature has responded to the threat of terrorism on the state and national level by passing legislation that both augments the state's homeland security measures and complements national security measures.

will integrate statewide public safety communications. The council is to advise DPS on the program's implementation.

Protecting Vital Information

With increased accessibility to information and the potential for the data to be used for terroristic purposes, the protection of information becomes more critical. Information that was formerly viewed as innocuous and that was available to the public may now afford an opportunity for terroristic activity and compromise the safety of a water treatment plant, energy facility, or nuclear power plant.

H.B. 9 addresses this concern by expanding the types of information that are now to be considered confidential, including information that:

- is collected by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism;
- relates to tactical plans of emergency response providers;
- relates to an assessment by a governmental entity of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism;
- is maintained by or for a governmental entity and likely to assist in the construction or assembly of an explosive weapon or a chemical, biological, radiological, or nuclear weapon of mass destruction; and
- identifies the technical details of particular vulnerabilities of critical infrastructures to an act of terrorism.

(Armbrister/Miller), enhances nuclear power plant security by authorizing nuclear power plant security personnel, trained and qualified under an NRC-approved security plan, to perform searches and seizures and make arrests while in the performance of their duties at the nuclear power plant. Additionally, the bill authorizes the nuclear power plant licensee and its contractors, for security reasons, to obtain criminal history records on individuals seeking employment or access to the plant.

Bioterrorism

Prior to the passage of H.B. 627, 78th Legislature (Reyna/Deuell), the commissioner of public health did not have the authority to temporarily designate quarantine areas exposed to a toxic or environmental agent. H.B. 627 grants this authority, and makes a violation of quarantine conditions imposed by the commissioner of public health a third degree felony.

H.B. 240, 78th Legislature (Miller/Fraser), seeks to protect the food supply by making it a first degree felony to introduce mad cow disease, foot-and-mouth disease, and several other debilitating diseases into livestock.

Terroristic Murder and Threats

H.B. 616, 78th Legislature (Keel/Hinojosa), increases the severity of the penalty for terroristic threats from a Class A misdemeanor to a state jail felony if the perpetrator causes pecuniary loss of \$1,500 or more to the owner of the property where the threat is made.

H.B. 11, 78th Legislature (Keel/Shapiro), makes it an offense to murder a person in the course of committing or attempting to commit a terroristic threat. Furthermore, the bill clarifies that it is a third degree felony to threaten to commit any offense involving violence to any person or property with intent to place the public or a substantial group of the public in fear of serious bodily injury or to influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state.

— by Efren Garcia, SRC



Protecting Nuclear Power Plants

Although the United States Nuclear Regulatory Commission (NRC) requires commercial nuclear power plants to maintain rigorous security programs and approved security plans, S.B. 1517, 78th Legislature